

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of QUENTIN LAMAR REAMER,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

DERICK LAMAR REAMER,

Respondent-Appellant.

UNPUBLISHED

March 13, 2007

No. 272024

Oakland Circuit Court

Family Division

LC No. 05-702353-NA

Before: Servitto, P.J., and Talbot and Schuette, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court order terminating his parental rights to the minor child under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

I. FACTS

The petition for termination of respondent's parental rights was filed in January 2005, at which time the court recommended that the child be placed with his maternal grandmother. Over the next fifteen months, respondent was ordered to attend a series of parenting classes and provide random drug screens as part of the parent/agency agreement. Respondent's supervised parenting time was suspended several times for failure to provide negative drug screens. An amended petition for termination was filed in March 2006, alleging that respondent did not maintain stable housing, and instead lived with his sister at a reported drug house, failed to provide documentation of employment, failed to provide three consecutive clean drug screen, was dropped from the parenting program, and did not provide consistent financial support for the child. At trial, respondent requested that the court not terminate his parental rights, but instead adopt a guardianship plan to keep the child with their grandmother so respondent could still see them. The Court disagreed, and ruled that it was in the child's best interests to terminate respondent's parental rights.

II. STATUTORY GROUNDS FOR TERMINATION

A. Standard of Review

Termination of parental rights is appropriate where petitioner proves by clear and convincing evidence at least one ground for termination. *In re Trejo*, 462 Mich 341, 356; 612 NW2d 407 (2000). Once this has occurred, the trial court shall terminate parental rights unless it finds that the termination is clearly not in the best interests of the child. *Id.* at 364-365. This Court reviews the trial court's findings under the clearly erroneous standard. MCR 3.977(J); *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003). A finding of fact is clearly erroneous if a reviewing court has a definite and firm conviction that a mistake was made, giving due regard to the trial court's special opportunity to observe the witnesses. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

B. Analysis

The trial court did not clearly err in finding that the statutory grounds for termination were met by clear and convincing evidence. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Gazella*, 264 Mich App 668, 672; 692 NW2d 708 (2005). Under MCL 712A.19b(3)(c)(i) the court may terminate parental rights where the court finds that the "conditions that led to the adjudication continue to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age." In this case, the child was removed from respondent's care because respondent used marijuana, failed to provide support for the child, and did not have a permanent job. Throughout the termination proceedings, respondent tested positive for drugs, continued to live with his sister in a drug house, and failed to secure steady employment. At no time did respondent demonstrate that his living conditions were going to change within a reasonable length of time. Further, respondent's failure to comply with the parent/agency agreement demonstrated that he was not able to "provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age." MCL 712A.19b(3)(g); *In re JK*, *supra* at 214. And respondent's failure to comply with the requirement that he submit random drug screens, his continued use of illegal substances, and his failure to obtain a home and a legal source of income demonstrated the "reasonable likelihood . . . that the child will be harmed if he or she is returned to the home of the parent." MCL 712A.19b(3)(j). For all of these reasons, we conclude that the trial court did not err in terminating respondent's parental rights under MCL 712A.19b(3)(c)(i), (g), and (j).

III. BEST INTERESTS OF THE CHILD

A. Standard of Review

Once a statutory ground for termination is established by clear and convincing evidence, the trial court must terminate parental rights unless termination clearly is not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, *supra* at 364-365. The trial court's decision on the best interests question is reviewed for clear error. *In re Trejo*, *supra* at 356-357.

B. Analysis

Based on the evidence in the entire record, we conclude that the trial court did not clearly err in finding that termination would be in the child's best interests. MCL 712A.19b(5); *In re Trejo*, *supra* at 356-357. Respondent would not stop using marijuana or submit to drug screens, so his visitation rights were suspended. Respondent then stopped calling the child, and, after a

period of time, the child stopped asking about respondent. Respondent had been given a year to comply with the requirements set forth in the parent/agency agreement. However, he failed to comply, and made no indication, other than verbal assertions, that he was trying to comply. Thus, we conclude that the trial court did not err in finding that termination was in the child's best interests in this case.

Affirmed.

/s/ Deborah A. Servitto

/s/ Michael J. Talbot

/s/ Bill Schuette